

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

HC-4499 ACUSHNET AVENUE, LLC,

Case No. 1:23-cv-10332

Plaintiff,

vs.

4499 ACUSHNET AVENUE OPERATING
COMPANY, LLC, VIBRA HEALTHCARE,
LLC, and VIBRA HEALTHCARE II, LLC,

Defendants.

NOTICE OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff HC-4499 Acushnet Avenue, LLC, by and through counsel, hereby notices the dismissal of its Complaint (Dkt. No. 1, “Complaint”) without prejudice. In support of this motion, HC-4499 Acushnet Avenue, LLC states as follows:

1. Plaintiff filed the Complaint on February 13, 2023, and served Defendants on February 17, 2023.
2. Defendants have not yet served an answer or a motion for summary judgment.
3. Rule 41(a)(1) provides, “the plaintiff may dismiss an action without a court order by filing ... a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.”
4. Plaintiff may therefore dismiss this action by notice and without prejudice, as provided under the Federal Rules.

5. Accordingly, Plaintiff respectfully provides notice of its dismissal without prejudice of this matter.

HOLLAND & KNIGHT LLP
Attorney for Plaintiff, HC-4499
Acushnet Avenue, LLC

By: /s/ Ian Epperson-Temple

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DATED: April 10, 2023

CERTIFICATE OF SERVICE

I hereby certify on this 10th day of April, 2023, a true and correct copy of the foregoing **NOTICE OF DISMISSAL WITHOUT PREJUDICE** was filed electronically with the Clerk of Court via the CM/ECF, and sent via electronic mail to the following counsel for Defendants, as follows:

William Stroeve
COLE SCHOTZ P.C.
Attorney for Defendants,
4499 Acushnet Avenue Operating Company, LLC,
Vibra Healthcare, LLC and
Vibra Healthcare II, LLC
wstroeve@coleschotz.com

_____/s/ *Ian Epperson-Temple*
Ian Epperson-Temple